

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE ALPHA UPSILON CHAPTER
OF THE FRATERNITY OF BETA
THETA PI, INC.,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY; DAMON SIMS,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY; DANNY
SHAHA, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY; and
ERIC J. BARRON, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,

Defendants.

No. 4:19-CV-01061

(Judge Brann)

ORDER

AND NOW, this 12th day of November 2019, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss, August 26, 2019, ECF No. 7 is
GRANTED IN PART AND DENIED IN PART.
2. Plaintiff's equal protection, negligence, fraud and deceit, civil conspiracy, and tortious interference claims (Counts 2, 3, 4, 5, and 6) are dismissed with prejudice.

3. Plaintiff may file an amended complaint by November 26, 2019. If no amended complaint is filed by that date, plaintiff's due process claim (Count 1) and its third-party beneficiary claim (Count 7) will be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge